

REMARKS

By this Amendment, Applicants amend claims 5 and cancel claims 6, without any prejudice or disclaimer to the subject matter thereof. Claims 5 and 15-28 are currently pending.

In the Office Action, the Examiner rejected claims 5 and 6 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,240,241 to Yuen ("Yuen"); rejected claim 25 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,813,434 to Noguchi et al. ("Noguchi"); rejected claim 24 under 35 U.S.C. § 103(a) as unpatentable over Noguchi; rejected claims 26 and 27 under 35 U.S.C. § 103(a) as unpatentable over Yuen in view of Noguchi; and rejected claims 15-23 and 28 under 35 U.S.C. § 103(a) as unpatentable over Yuen in view of Noguchi.¹ Applicants respectfully traverse the Examiner's rejections under both § 102 and § 103.

Applicants respectfully submit that Noguchi does not qualify as a prior art reference. Noguchi was filed on June 12, 2000 and issued on November 2, 2004, whereas the present application was filed on September 14, 2000, claiming foreign priority of September 29, 1999. Because the U.S. filing date (September 14, 2000) of the present application is earlier than Noguchi's patent issue date and the priority date (September 29, 1999) of the present application is earlier than Noguchi's U.S. filing date, Noguchi does not qualify as either a § 102(b) reference or a § 102(e) reference. Further, because Yuen was issued on May 29, 2001, which is later than the U.S. filing

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

date (September 14, 2000) of this application, Yuen also does not qualify as a § 102(b) prior art reference.

Regarding Claim Rejections under 35 U.S.C. § 102

Applicants respectfully traverse the Examiner's rejection of claims 5 and 6 under 35 U.S.C. § 102(b) as anticipated by Yuen. Because claim 6 has been canceled, the Section 102 rejection of claim 6 is moot.

To anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), emphasis added.

Independent claim 5, as amended, recites a combination including, for example, "displaying the plurality of representative images with related text information; receiving a selection of a specific representative image from the plurality of representative images; [and] selecting a specific music piece represented by the specific representative image." Yuen fails to disclose at least the above claim elements as recited in amended claim 5.

Yuen teaches "[a]n indexing VCR having the ability to recover and store selected video frames as still pictures to enhance a textual directory either in RAM associated with the VCR or on the magnetic tape." Yuen, column 3, lines 46-49. The indexing VCR uses the directory "to assist in selecting a program by use of still video frame pictures, perform searches, by title, category, key words, or the like, of the user's video

tape library to find the particular tape that a selected program is on.” Yuen, column 4, lines 46-51, emphasis added. The program including “[c]losed captioning and text mode data are generally transmitted on VBI line 21, field 1 of the standard NTSC video signal.” Yuen, column 3, lines 55-57. However, Yuen’s searching by titles, as shown in FIG. 17, is performed by choosing a title text 402 to represent still video frame picture 406. Such title searching does not constitute a teaching of “displaying the plurality of representative images with related text information; receiving a selection of a specific representative image from the plurality of representative images; [and] selecting a specific music piece represented by the specific representative image,” as recited in claim 5 (emphasis added).

Therefore, Yuen fails to disclose each and every element in claim 5 either expressly or inherently. Yuen therefore cannot anticipate claim 5 under 35 U.S.C. § 102. Applicants respectfully request withdrawal of the Section 102 rejection of claim 5.

Applicants respectfully traverse the Examiner’s rejection of claim 25 under 35 U.S.C. § 102(b) as anticipated by Noguchi. For at least the reason that Noguchi does not qualify as a prior art reference, as explained above, Applicants respectfully request withdrawal of the Section 102 rejection of claim 25.

Regarding Claim Rejections under 35 U.S.C. § 103

Applicants respectfully traverse the Examiner’s rejections of claim 24 under 35 U.S.C. § 103(a) as unpatentable over Noguchi; of claims 26 and 27 under 35 U.S.C. § 103(a) as unpatentable over Yuen in view of Noguchi; and of claims 15-23 and 28 under 35 U.S.C. § 103(a) as unpatentable over Yuen in view of Noguchi. For at least

the reason that Noguchi does not qualify as a prior art reference, as explained above, Applicants respectfully request withdrawal of the Section 103 rejections of claims 15-28.

Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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